

No. 22-13626

**In the United States Court of Appeals
for the Eleventh Circuit**

HOUSTON COUNTY, GEORGIA, AND
HOUSTON COUNTY SHERIFF CULLEN TALTON,
IN HIS OFFICIAL CAPACITY,

Defendants-Appellants,

v.

ANNA LANGE,

Plaintiff-Appellee.

Appeal from the United States District Court
for the Middle District of Georgia
Dist. Ct. Docket No. 5:19-cv-00392-MTT

**MOTION OF THE AMERICAN CIVIL RIGHTS PROJECT
FOR LEAVE TO FILE AMICUS CURIAE BRIEF IN SUPPORT
OF DEFENDANTS-APPELLANTS AND REVERSAL**

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**RULE 29(A)(4)(A) CORPORATE DISCLOSURE STATEMENT
AND CERTIFICATE OF INTERESTED PERSONS**

The American Civil Rights Project (the “ACR Project”) is a non-profit corporation organized under the laws of Texas. The ACR Project issues no stock, and is neither owned by or the owner of any corporate entity in whole or in part.

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and 11th Cir. R. 26.1, 26.2-1, 26.1-3 and 28-1(b), the undersigned counsel of record for *Amicus Curiae* certifies that all interested persons known to it appear in previously-filed CIPs in this appeal.

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Respectfully submitted,

/s/ Daniel I. Morenoff
Daniel I. Morenoff
Counsel of Record

Dated: September 30, 2024

**MOTION FOR LEAVE TO
FILE AMICUS CURIAE BRIEF**

Pursuant to Federal Rule of Appellate procedure 29(b) and Eleventh Circuit Rule 29(b), The American Civil Rights Project (the “ACR Project”) respectfully submits this Motion for Leave to File Amicus Curiae Brief in Support of Defendants-Appellants and Reversal. The proposed brief is attached to this Motion. In support of this Motion, amicus states as follows:

1. The ACR Project is a public-interest law firm, dedicated to protecting and where necessary restoring the equality of all Americans before the law.
2. The ACR Project’s work focuses particularly on the proper interpretation and application of the Equal Protection Clause, 42 U.S.C. § 1981, the Civil Rights Act of 1964 (as amended, particularly including Titles VI and VII), and Title IX of the Education Amendments of 1972.
3. The ACR Project litigates concerning the liability of officers, directors, and their corporations for violations of Title VII, and therefore has a direct interest in the proper interpretation of that statute.
4. Leave to file a brief as amicus curiae should be granted when “the amici have stated an ‘interest in the case,’ and it appears that their brief is ‘relevant’ and ‘desirable,’” such as when “it alerts the

[court] to possible implications of the appeal.” *Neonatology Assocs., P.A. v. C.I.R.*, 293 F.3d 128, 133 (3d Cir. 2002) (Alito, J.) (“court” here replacing “merits panel” in original) (quoting Fed. R. App. P. 29(a)(3)); *see also* Fed. R. App. Pro. 29(a)(3).

5. This case interests the ACR Project because it involves the appropriate application of one of America’s foundational non-discrimination laws as interpreted by the Supreme Court.
6. Moreover, as related by the brief, the panel’s error here represented a radical extension of (and misreading of) *Bostock* that has broad implications across a wide range of issues, and which deepens and complicates an existing circuit split.
7. The ACR Project has invested substantial time and resources investigating the meaning of this enactment, as interpreted by the Supreme Court, and believes its analysis will benefit the Court’s consideration of this matter.
8. The ACR Project’s amicus brief is desirable and relevant to the Court’s decision on this appeal because it clarifies the panel’s error.
9. The ACR Project believes that its expertise will benefit the Court in its consideration of this case.
10. Counsel for Defendants-Appellants have consented to this motion. Counsel for Plaintiff-Appellee have not taken a position on this motion.

11. This Motion is timely under 11th Cir. R. 35-8, being filed the same day that Appellants' principle brief is due.

For these reasons, The ACR Project respectfully moves for leave to file the attached *amicus brief* in support of Defendants-Appellants and reversal.

Respectfully submitted,

/s/ Daniel I. Morenoff

Daniel I. Morenoff

Counsel of Record

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Counsel for Amicus Curiae

Dated: September 30, 2024

CERTIFICATE OF SERVICE

I certify that this document has been filed with the clerk of the court and served by ECF upon all counsel of record.

/s/ Daniel I. Morenoff
Daniel I. Morenoff
Counsel for the ACR Project

Dated: September 30, 2024